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October 16, 2012

BY ECF AND HAND DELIVERY

Hon. Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Mati Gill v. Arab Bank, PLC*, 11-CV-3706 (JBW) (VVP) (E.D.N.Y. filed Aug. 1, 2011)

Dear Magistrate Judge Pohorelsky:

We represent Defendant Arab Bank plc (the “Bank”) and write in response to the October 11, 2012 letter of Gary M. Osen on behalf of the Plaintiff (ECF Nos. 159-160) (“Osen Ltr.”)) requesting a “revision of the pretrial schedule.” While Judge Weinstein has already ruled that “Defendant’s motion for summary judgment will be heard as long-scheduled on October 29, 2012” and that “[n]o adjournments will be granted,” he has respectfully referred Plaintiff’s request for an extension of pre-trial discovery to your Honor. (Order, Oct. 12, 2012 (ECF No. 175).)

The Plaintiff has not stated in his letter what specific additional discovery he wishes to conduct, other than to make vague references to “discovery from relevant jurisdictions to the extent practicable.” Nor does he present any new grounds for protracting discovery beyond the September 18, 2012 deadline specified by Judge Weinstein at the hearing of June 28, 2012. (Hr’g Tr. 35:6-8, June 28, 2012; Minute Order, June 28, 2012 (ECF No. 39).) Rather, he argues that further discovery is now warranted because Judge Weinstein has indicated that he will not impose evidentiary sanctions against the Bank. This argument was previously rejected by the Court and is flatly contradicted by the Plaintiff’s previous statements on the record in this case.

As recently as July 20, 2012, Judge Weinstein rejected an attempt by the Plaintiff to delay these proceedings on nearly identical grounds. In a July 17, 2012 letter to the Court, the Plaintiff requested an extension of the discovery deadline due to:

the impact that the Second Circuit’s decision on Judge Gershon’s sanctions decision may have on the need for further discovery regarding the Defendant’s



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state of mind, and the likelihood that both parties will need to seek discovery under the Hague Convention of third-party witnesses in Israel.

(Ltr. from Gary M. Osen, Esq. to Hon. Jack B. Weinstein, July 17, 2012 (ECF No. 42) (“July 17 Osen Ltr.”).) After considering these arguments, the Court held that “no good reason has been presented to delay this case. The schedule will remain as provided.” (July 20 Order (ECF No. 46).)

The Plaintiff’s desire to reopen discovery on the eve of trial is especially suspect in light of the fact that he has had four years to investigate his claims, and that he has expressly assured the Court that no further discovery would be needed in this case. (*See, e.g.*, Hrg. Tr. 44:15-17, June 28, 2012 (annexed) (“in terms of the discovery record as it exists [with regard] to the [B]ank’s conduct[,] that probably should not be an issue”).) He made these assurances not once, but repeatedly: “We don’t intend to seek further bank conduct discovery as distinct from attack attribution discovery from the [B]ank. I am inclined to discuss with the [B]ank’s counsel either an interrogatory or a stipulation that would at least formalize and document the bank secrecy position”; “from a mechanical standpoint in terms of formalizing what the [D]efendant’s position is with respect to any additional or supplemental discovery in connection with its own conduct vis-a-vis the customers or transactions that it facilitated, we can probably work that out between the two of us either through an interrogatory response or stipulation.” *Id.* 32:16-20; 33:19-25. At the time, Judge Weinstein noted that the Plaintiff had ample opportunity over the years to collect evidence, and that he has “completed as much discovery as [he] can get on those issues.” (Hr’g Tr. 31:22-23, June 28, 2012.)

It is incredible, in any event, if the additional unspecified discovery “from relevant jurisdictions” is indeed “essential,” as Plaintiff now claims, that he would have waited to this late hour to turn to it. Plaintiff insists he did not previously “press forward” with this discovery “because the Rule 37 remedy, as a practical matter, obviated the need for further bank secrecy practice regarding other nations.” (Osen Ltr. at 4 n.7.) But given the Bank’s continued challenge to these sanctions, including its pending *mandamus* petition before the Second Circuit, it is simply not plausible that Plaintiff had concluded to a certainty, as he suggests, that Judge Weinstein was required to apply the sanctions fashioned by the *Linde* Court.

Indeed, Plaintiff does not even specify what further discovery he needs, other than to repeat general categories that have already been the subject of prior requests of Judge Weinstein, such as third-party discovery through the Hague Convention. (*Id.* at 4.) And the one topic that he does specifically mention—his need to conduct discovery as to “how the Bank dealt with the Israeli Unlawful Organizations list after April 2005”—is one of no relevance



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whatsoever to his claims, as his attorneys have previously conceded. (*Id.* at 5.) Indeed, this list includes entities such as the Palestine Liberation Organization, the entity that signed the Oslo Peace Accord with Israel in 1993. (*Linde* Pls.' Joint Fifth Set of Interrogs. Directed to Def. Arab Bank, PLC, Ex. C, Jan. 18, 2011 (annexed).) As one of the Bank's expert witnesses in this action, Yair Dagan, has made clear, moreover, Israeli banks were not required to apply this list until 2007, and the Israeli Unlawful Organizations list did not even include the names of individuals until 2012. (Dagan Tr. 97:8-21; 99:2-9, 102:22-103:15, Mar. 20, 2012 (annexed).) When Mr. Osen and other attorneys deposed Mr. Dagan in the *Linde* actions, they expressly questioned the possible relevance of the Israeli designation list.¹ It is highly suspect that on the eve of summary judgment and trial, this evidence has now become "essential."

For all the reasons stated above, Arab Bank respectfully requests that the Court once again deny Plaintiff's attempt to extend the September 18, 2012 discovery cutoff, which has long since passed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin Walsh', written over the typed name.

Kevin Walsh

cc: Hon. Jack B. Weinstein (by hand delivery)
 All Counsel (by email) (w/ attachments)

¹ MR. HOWARD: . . . Can you tell us, based on your experience, does the Ministry of Defense list that's maintained on its Internet site contain names of organizations and of individual persons?

MR. WERNER: I really have to object here. We're going in great depth to [the] Israeli list and the Israeli Minister of Defense. That's not relevant to any issue in the case. . . .

MR. HOWARD: Well . . . are you telling me that plaintiffs are making no allegation that declarations of entities as being unlawful by the State of Israel has any reference at all in this case? . . .

MR. WERNER: . . . And you seem to be eliciting stuff that the Court has clearly said was not relevant. .

MR. OSEN: I'll just note that the letter the we sent to you and to Mr. Walsh indicated the scope of relevance of the Israeli unlawful associations list.

MR. HOWARD: The question, Mr. Dagan, was whether, based on your knowledge and experience, the Ministry of Defense consolidated list maintained on their website contained names of organizations and individuals?

A. Today, the list includes both individuals and organizations. But the individuals were added only at the beginning of this year. Until 2012, it was only organizations. . . .

MR. WERNER: How could that possibly be relevant?

Id. at 101:17- 103:13.

ATTACHMENT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
MATI GILL, : 11- CV- 3706(JBW)
Plaintiff, :
- against - : United States Courthouse
: Brooklyn, New York
:
:
ARAB BANK, PLC, : Thursday, June 28, 2012
: 1: 00 p. m.
Defendant. :
:
:
----- X

TRANSCRIPT OF CIVIL CAUSE FOR MOTION
BEFORE THE HONORABLE JACK B. WEINSTEIN
UNITED STATES SENIOR DISTRICT JUDGE

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1 So, the transaction records we have are
2 limited to that time period, but we allege in good faith,
3 and I want to assure Mr. Walsh of this, that when accounts
4 were open as late as we know we have no basis for thinking
5 that they're not still open. And, in fact, the bank has
6 admitted to having 11 accounts between 1999 and I think at
7 least the time of the answer to the interrogatories which
8 was 2009 that were specially designated global terrorists,
9 this is another form of U.S. Government designation. They
10 assert that they closed those accounts since then, but we
11 have been denied any discovery of when they closed them, why
12 they closed them, or what they did with the amounts. In
13 fact --

14 THE COURT: I'm sorry. Go ahead.

15 MR. RAVEN-HANSEN: We believe that Judge Gershon
16 will preclude them from testifying that they closed them
17 because they haven't allowed any discovery that would let us
18 test that proposition. So, what we in good faith alleged in
19 the complaint that those accounts were open at one point,
20 and for all that the record shows are still open and that
21 would be through 2008.

22 THE COURT: You have completed as much discovery
23 as you can get on those issues. We don't have to --

24 MR. RAVEN-HANSEN: May I confer with Mr. Glatter.

25 Is there anything else just to make sure that

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1 I can give you a correct answer on the discovery issue.

2 MR. GLATTER: Your Honor, Mr. Walsh is correct
3 that the parties have not met and conferred with respect to
4 any, I guess, I'll call it supplemental discovery that may
5 be apropos to the bank's conduct since the essential close
6 of the discovery in the Linde case.

7 THE COURT: We have the same magistrate judge in
8 both cases. Who is that?

9 MR. WALSH: Magistrate Judge Pohorelsky, your
10 Honor. Pohorelsky.

11 MR. GLATTER: So, what we would suggest doing is
12 and, certainly, as a courtesy to the defendant is to meet
13 and confer with the defendant and submit a pretrial
14 discovery schedule perhaps within the next 60 days, and I
15 assume that we go for Judge Pohorelsky's approval.

16 We don't intend to seek further bank conduct
17 discovery as distinct from attack attribution discovery from
18 the bank. I am inclined to discuss with the bank's counsel
19 either an interrogatory or a stipulation that would at least
20 formalize and document the bank secrecy position.

21 As your Honor probably knows already, the
22 Second Circuit currently is addressing the bank's petition
23 for mandamus and collateral rule appeal for the Rule 37
24 remedy that Judge Gershon ordered.

25 THE COURT: That mandamus, are you sure she hasn't

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1 certified it?

2 MR. GLATTER: The mandamus was taken up by the
3 circuit the argument was completed in March.

4 MR. RAVEN-HANSEN: March 6th.

5 MR. GLATTER: There has not been an order issued
6 yet ruling on the appeal.

7 THE COURT: On mandamus, not on her certification?

8 MR. RAVEN-HANSEN: She denied certification.

9 MR. GLATTER: The Court denied defendant's motion
10 for an interlocutory appeal.

11 So, I would add that with respect to knowing
12 what discovery or, rather, arguments will be in or out
13 that's at this point our position we pointed out to the
14 Circuit's it's unknown because Judge Gershon hadn't
15 specifically precluded any evidence but just gave some
16 indicia of what materials might be excluded where proof or
17 refutation might be within the withheld documents or
18 testimony.

19 So, I think from a mechanical standpoint in
20 terms of formalizing what the defendant's position is with
21 respect to any additional or supplemental discovery in
22 connection with its own conduct vis-à-vis the customers or
23 transactions that it facilitated, we can probably work that
24 out between the two of us either through an interrogatory
25 response or a stipulation.

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1 the third-party banks to a subpoena duces tecum whether
2 there would be any need for §30(b)(6) depositions from any
3 of these third-party representatives.

4 THE COURT: The reason why I ask, I indicated
5 already that I thinking I'm going to deny the motion and
6 rule within the motion for summary judgment. And in my
7 order, I was prepared to make September 18th the date for
8 the end of discovery subject to hearing and review the Rule
9 26 expert materials by September 4th; the Daubert hearings
10 September 28th; the hearing on the motion for summary
11 judgment on October 29th; and the trial date, if we need
12 one, on November 12th with in limine hearings on
13 November 4th.

14 Now, what's the nearest jury return date to
15 November 12th, please?

16 COURTROOM DEPUTY: November 5th.

17 THE COURT: All right. Thank you.

18 COURTROOM DEPUTY: We don't have that yet.

19 THE COURT: Usually, it's every two weeks.

20 COURTROOM DEPUTY: November 19th.

21 THE COURT: The 19th. So, the trial date will be
22 November 19th when the hearings we can put off a week and
23 then that would be November 15th.

24 What day of the week is that?

25 COURTROOM DEPUTY: November 15th is a Thursday.

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1 the time I provided for discovery.

2 MR. GLATTER: So, that we understand, is that a
3 fixed discovery cut-off date at this time, your Honor?

4 THE COURT: That would be what I'm proposing right
5 now, yes. It's kind of short, but it seems to me this case
6 has been pending a long time. It's been worked over on
7 discovery there shouldn't be too much open.

8 MR. GLATTER: My concern, your Honor, is knowing
9 what the pacing, and we support, obviously, as plaintiff's
10 counsel, we support streamlining pacing to the greatest
11 extent possible. With that said, in terms of generating
12 supplemental expert reports assessing whether or not
13 arranging for Mr. Gil's deposition who resides in Israel,
14 determining whether or not there are other fact witnesses
15 with respect to the attack, I think, in terms of the
16 discovery record as it exists to the bank's conduct that
17 probably should not be an issue.

18 THE COURT: I don't see what people who were
19 present at the attack are going to add to anything. I mean,
20 you're not contesting that he was shot, are you?

21 MR. WALSH: No, your Honor, of course, not.

22 THE COURT: Or that he was even shot from Gaza.

23 MR. WALSH: No, your Honor.

24 THE COURT: So, I mean, who are you going to
25 depose about what?

ATTACHMENT 2

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

COURTNEY LINDE, et al.,	:	
	:	
Plaintiff,	:	CV 04-2799 (NG)(VVP)
	:	and all related cases*
v.	:	
	:	
	:	
ARAB BANK, PLC,	:	
	:	
Defendants.	:	

**PLAINTIFFS' JOINT FIFTH SET OF INTERROGATORIES DIRECTED TO
DEFENDANT ARAB BANK, PLC (CONTENTION INTERROGATORIES)**

Plaintiffs in the above-captioned actions, by their undersigned attorneys, and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that defendant, Arab Bank, PLC, answer, in writing and under oath, within thirty days of the date of service hereof, or at such other time as counsel may agree, the interrogatories set forth below.

DEFINITIONS AND INSTRUCTIONS

I. DEFINITIONS

As used in these Interrogatories, the following capitalized terms have the meanings ascribed below:

A. Except as otherwise set forth herein, Plaintiffs hereby incorporate by

* *Little, et al. v. Arab Bank, PLC*, No. CV-04-5449 (E.D.N.Y. 2004) (NG)(VVP); *Almog, et al. v. Arab Bank, PLC*, No. CV-04-5564 (E.D.N.Y. 2004) (NG)(VVP); *Coulter, et al. v. Arab Bank, PLC*, No. CV-05-365 (E.D.N.Y. 2005) (NG)(VVP); *Afriat-Kurtzer, et al. v. Arab Bank, PLC*, No. CV-05-388 (E.D.N.Y. 2005) (NG)(VVP); *Bennett, et al. v. Arab Bank, PLC*, No. CV-05-3183 (E.D.N.Y. 2005) (NG)(VVP); *Roth, et al. v. Arab Bank, PLC*, No. CV-05-3738 (E.D.N.Y. 2005) (NG)(VVP); *Weiss, et al. v. Arab Bank, PLC*, No. CV-06-1623 (E.D.N.Y. 2006) (NG)(VVP); *Jesner, et al. v. Arab Bank, PLC*, No. CV-06-3869 (E.D.N.Y. 2006) (NG)(VVP); *Lev, et al. v. Arab Bank, PLC*, No. CV-08-3251 (E.D.N.Y. 2008) (NG)(VVP); and *Agurenko v. Arab Bank, PLC*, No. CV-10-626 (E.D.N.Y. 2010) (NG)(VVP).

EXHIBIT C

List of Declarations and Orders			
Date of Declaration/Order	Organization	Significance of Declaration/Order	Party Making Declaration
January 30, 1986	PLO Palestinian National Liberation Front Palestinian Liberation Army (PLA), Popular Front for the Liberation of Palestine (PFLP) (Habash) Democratic Front for the Liberation of Palestine (DFLP) (Hawatmeh) Popular Liberation War Pioneers Popular Front for the Liberation of Palestine Arab Liberation Front Palestinian Popular Struggle Front Palestinian Liberation Front (PLF) Abu-Nidal Faction Abu-Ibrahim Faction Naji 'Allush Faction Abu-Jabbar Faction Heroes of Return The Popular Front FATAH Palestinian Revolutionary Councils Palestinian National Front Lebanese Armed Revolutionary Faction	Declared a terrorist organization under the Prevention of Terrorism Ordinance	Government decision
December 22, 1968	Tira Culture and Sports Club	Declared an illegal association	Moshe Dayan (Minister of Defense)
August 18, 1988	Popular committees National committees Shock groups Shock forces Popular opposition groups Deterrence groups Deterrence forces	Declared an illegal association	Yitzhak Rabin (Minister of Defense)
June 22, 1989	Hamas Hizballah Islamic Jihad	Declared a terrorist organization under the Prevention of Terrorism Ordinance	Government decision
September 15, 1989	Islamic Resistance Movement Hamas Al-Mujahidin Al-Falastini'in Majd	Declared an illegal association	Yitzhak Rabin (Minister of Defense)
October 29, 1990	Islamic Jihad Palestinian Islamic Jihad	Declared an illegal association	Moshe Arens (Minister of Defense)
March 14, 1996	Holy Land Fund	Seizure order	Shimon Peres (Minister of Defense)
March 17, 1996	Islamic Assistance (Rescue) Committee	Banning order	Shimon Peres (Minister of Defense)

November 28, 1996	Humanitarian Rescue Committee for Support of Orphans and the Needy	Seizure order	Itzhak Mordechay (Minister of Defense)
May 6, 1997	Falastin Al-Muslima Welfare and Development Fund for Palestine Al-Aksa Fund Holy Land Fund for Relief and Development	Declared an illegal association	Itzhak Mordechay (Minister of Defense)
1998	Falastin Al-Muslima Welfare and Development Fund for Palestine Al-Aksa Fund Holy Land Fund for Relief and Development	Declared a terrorist organization under the Prevention of Terrorism Ordinance	Government decision
May 20, 1998	Beit El Mal Al-Phalastini Al-Arabi Al-Muslima Al-Aama Al-Mahaduda Ltd.	Amendment to Declaration of Illegal Association	Itzhak Mordechay (Minister of Defense)
August 31, 2000	Al-Kutla Al-Islamia	Amendment to Declaration of Illegal Association	Ehud Barak (Minister of Defense)
October 4, 2001	Al-Qeda, led by Osama Bin-Laden	Declared an illegal association	Binyamin Ben-Eliezer (Minister of Defense)
December 6, 2001	Tanzim - Tanthim Force 17 (Presidential Guard) - al-Amn al-Ri'asah	Declared a terrorist organization under the Prevention of Terrorism Ordinance	Government decision
February 25, 2002	Charity organizations in Judea, Samaria and the Gaza Strip affiliated with the Hamas and/or strengthening it or part of the Hamas infrastructure, including Zakkah and Mercy Society Khan Yunes (Lajnat Al-Zakkah Al-Rahme Khan Yunes) Islamic Center (Mujma) (Al-Mujma Al-Islami), Gaza Strip Islamic Virtue Society (Jamaiat Al-Salah Al-Islamaia), Gaza Strip Islamic Charity Society (Al-Jamaia Al-Islamia Al-Khiria), Gaza Strip Loyalty (Wafa) Society to Care for the Aged (Jamaiat Al-Wafa LiRayat Al-Musenin), Gaza Strip Society of Charity and Grace for Children (Jamiat Mubarat Al-Rahme lilAtfal), Gaza Strip House of Quran and Sunnah Society (Jamaiat Dar Al-Quran Wal-Sunnah), Gaza Strip House of Blessed Quran and Sunnah (Jamaiat Dar Al-Quran Al-Karim Wal-Sunnah), Gaza Strip The Al-Nur Prisoner Society (Jamaiat Al-Nur Al-Khira), Gaza Strip Islamic Charity Society Hebron (Al-Jamaia Al-Islamia Al-Khiria Al-Khalil) Islah (Reform) Society Jericho (Jamaiat Al-Islah Al-Khiria Jericho) Orphan Care Society Bethlehem (Jamaiat Ra'iat Al-Yatim Bethlehem) Islah (Reform) Society Al-Bireh (Jamiat Al-Islah) Zakkah Committee Ramallah (Lajnat Zakkah Ramallah)	Declared an illegal association	Binyamin Ben-Eliezer (Minister of Defense)

	<p>Quran and Sunnah Society Qalqilia (Jama'iat Al-Quran Wal-Sunnah Qalqilia)</p> <p>Zakkah Committee Yul Karem (Lajnat Zakkah Tul-Karem)</p> <p>Islamic Solidarity (Tadamon) Charity Society (Jama'iat Al-Tadamon), Nablus</p> <p>Islamic Assistance Society Nablus (Lajnat Al-Ighatha Al-Islamia Nablus)</p> <p>Zakkah Funds Committee Jenin (Lajnat Amwal Al-Zakkah Jenin)</p> <p>Hebron Young Muslims' Society (Jama'iat Al-Shuban Al-Muslemin)</p> <p>As well as the following societies based outside of Israel:</p> <p>World Assembly of Muslim Youth (Al-Nadwa Al-Alamia LilShabab Al-Islami)</p> <p>Charity Coalition (Al-Ta'aluf Al-Khiri)</p> <p>International Islamic Assistance Organization (Al-Haya Al-Khairia Al-Islamia Al-Alamia)</p>		
August 11, 2002	Al-Qa'ida, led by Osama Bin-Laden	Declaration under Prevention of Terrorism Ordinance	Government decision
November 28, 2002	The Tanzim or Al-Aksa Martyrs Brigade	Declared an illegal association	Shaul Mofaz (Minister of Defense)
December 20, 2002	Presidential Guard or Force 17	Declared an illegal association	Shaul Mofaz (Minister of Defense)
February 7, 2003	<p>Cultural Committee (Lajnat Al-Tura) also known as: Islamic Awareness Committee (Lajnat Al Tawaia Al Islamia)</p> <p>Movement for Islamic Reform and Justice (Jama'iat Al-Islah Al-Khariya Al-Islamia)</p> <p>Al-Sanabil (NPO)</p>	Declared an illegal association	Shaul Mofaz (Minister of Defense)
February 9, 2003	<p>Cultural Committee (Lajnat Al-Tura) also known as: Islamic Awareness Committee (Lajnat Al Tawaia Al Islamia)</p> <p>Movement for Islamic Reform and Justice (Jama'iat Al-Islah Al-Khariya Al-Islamia)</p> <p>Al-Sanabil (NPO)</p>	Declaration under Prevention of Terrorism Ordinance	Government decision
March 12, 2003	Al-Jam'iya Al-Islamiya	Declaration under Prevention of Terrorism Ordinance	Government decision
May 30, 2003	Hizballah	Declaration under Prevention of Terrorism Ordinance	Government decision
June 12, 2003	Hizballah	Declared an illegal association	Government decision
October 24, 2003	Al-Ansar and Al-Quds Force organizations of the Iranian Revolutionary Guard – Lebanon, or any other name used by this organization, including any of its factions and any branch, committee, group or segment of this organization is unlawful organization as defined in the regulations.	Declared an illegal association	Shaul Mofaz (Minister of Defense)
June 12, 2003	Organization for Social Development	Declared an illegal association	Shaul Mofaz (Minister of Defense)

March 24, 2004	The Society for Fostering Arab Women also known as Lajnat Ri'aya Al-Mara Al-Arabia or Jamiat Al-Ri'aya Lilmara Al-Arabiya or any other name used by this organization, including any of its factions and any branch, center, group or segment of this organization is an illegal association as defined in the regulations.	Declared an illegal association and seizure order	Shaul Mofaz (Minister of Defense)
December 9, 2004	Al-Ekhsan or any other name used by this organization, including all of its factions and any branch, center, committee, group or segment of this organization, is an illegal association as defined in the regulations.	Declared an illegal association	Shaul Mofaz (Minister of Defense)
December 30, 2004	IRFAN (formerly Jerusalem Fund for Human Services) or any other name used by this organization, including all of its factions and any branch, center, committee, group or segment of this organization, is an illegal association as defined in the regulations.	Declared an illegal association	Shaul Mofaz (Minister of Defense)
January 10, 2005	Al-Huda Ramallah led by Kifah Qatash or any other person in its stead, or any other name used by this organization, including all of its factions and any branch, center, committee, group or segment of this organization, is an illegal association as defined in the regulations.	Declared an illegal association	Shaul Mofaz (Minister of Defense)
January 30, 2005	Al-Naka'a in Bethlehem led by Aitaf Alian or any other person in its stead, or any other name used by this organization, including all of its factions and any branch, center, committee, group or segment of this organization, is an illegal association as defined in the regulations.	Declared an illegal association	Shaul Mofaz (Minister of Defense)
February 2, 2005	A group of persons or organization referred to as the Beit Fajar Charitable Society (Lajnat Al-Zakkat Beit Fajar) shall be added to the end of the list of Charity Organizations in Judea, Samaria and the Gaza Strip that are Affiliated with the Hamas and Strengthen the Hamas Infrastructure as well as to the list of Organizations Based Outside of Israel.	Declared an illegal association	Shaul Mofaz (Minister of Defense)

List of groups declared "Unlawful Organizations" in Israel by order of the Minister of Defense according to
Emergency Defense Regulations (Article 84 2 A) 1945

No.	Hebrew Name	Arabic Name	English Name	Location
1	Va'adat Kaspei Hatzedaka Jenin	Lajnat Amwal Al-Zakkah Jenin	ZAKKAH FUNDS COMMITTEE JENIN	Jenin
2	Va'adat Hasiyua Ha'islamit Shechem	Lajnat Al-Ighatha Al-Islamia Nablus	ISLAMIC ASSISTANCE SOCIETY NABLUS	Nablus
3	Agudat Hasolidariut Letzedaka Islamit Beshechem	Jama'iat Al-Tadamon	ISLAMIC SOLIDARITY (TADAMON) CHARITY SOCIETY	
4	Va'adat Hatzedaka Tul Karem	Lajnat Zakkah Tul-Karem	ZAKKAH COMMITTEE TUL KAREM	Tul-Karem
5	Agudat Al-Quran ve'Alsunah Kalkilia	Jama'iat Al-Quran Wal-Sunnah Qalqilia	QURAN AND SUNNAH SOCIETY QALQILIA	Qalqilia
6	Agudat Hatzedaka (Hereforma) Hislamit El Bireh	Jama'iat Al-Islah Al-Islamia Al-Bireh	ISLAH (REFORM) SOCIETY EL BIREH	Ramallah
7	Va'adat Hatzedaka Be'ramallah	Lajnat Zakkah Ramallah	ZAKKAH COMMITTEE RAMALLAH	Ramallah
8	Ha'aguda Letipul beyitumim Bebeit Lechem	Jama'iat Ra'iat Al-Yatim Bethlehem	ORPHAN CARE SOCIETY BETHLEHEM	Bethlehem
9	Agudat Hareforma Beyericho	Jama'iat Al-Islah Al-Khiria Jericho	ISLAH (REFORM) SOCIETY JERICHO	Jericho
10	Agudat Hatzedaka Ha'islamit Hevron	Al-Jamaia Al-Islamia Al-Khiria Al-Khalil	ISLAMIC CHARITY SOCIETY HEBRON	Hebron
11	Agudat Hatze'irim Hamuslemim	Jama'iat Al-Shuban Al-Muslemim	SOCIETY OF MUSLIM YOUTH	Hebron
12	Agudat Hamerkaz Ha'islami	Al-Mujma Al-Islami	ISLAMIC CENTER (MUJMA)	Gaza Strip
13	Agudat Tohar Hamidot Ha'islamit	Jama'iat Al-Salah Al-Islamaia	ISLAMIC VIRTUE SOCIETY	Gaza Strip
14	Ha'aguda Ha'islamit	Al-Jamaia Al-Islamia Al-Khiria	ISLAMIC CHARITY SOCIETY	Gaza Strip
15	Agudat Hane'emanut Letipul Bekshishim	Jama'iat Al-Wafa LiRayat Al-Musenin	LOYALTY (WAFI) SOCIETY TO CARE FOR THE AGED	Gaza Strip
16	Agudat Mosad Hatzedaka Ve'haheged Leyeladim	Jama'iat Mubarat Al-Rahme LiAlfal	SOCIETY OF CHARITY AND GRACE FOR CHILDREN	Gaza Strip
17	Agudat Beit Hakaran Vehasunna	Jama'iat Dar Al-Quran Wal-Sunnah	HOUSE OF QURAN AND SUNNAH SOCIETY	Gaza Strip
18	Agudat Beit Hakaran Hamevorach Vehasunna	Jama'iat Dar Al-Quran Al-Karim Wal-Sunnah	HOUSE OF BLESSED QURAN AND SUNNAH	Gaza Strip
19	Va'adat Hatzedakah Vehahesed Han Yunes	Lajnat Al-Zakkah Al-Rahme Khan Yunes	ZAKKAH AND MERCY SOCIETY KHAN YUNES	Gaza Strip
20	Agudat Alnur	Jama'iat Al-Nur	EL-NUR SOCIETY	Gaza Strip
21	Beit Almal Hafalestini Ha'aravi Ba'am	Bait Al - Mal Al-Falastini Al-Arabi Al-Musahema Al'Ama Al-Mahdooda	BEIT ELMAL ALFALASTINI ELARABI LTD.	Ramallah, Nablus
22	Irgun Haheged Ha'islami Ha'olami	Hai'at Al-Ighatha Al-Islamia Al-'Alamia	ISLAMIC INTERNATIONAL RELIEF ORGANIZATION (IIRO)/ISLAMIC INTERNATIONAL CHARITABLE FOUNDATION (IICF)	Saudia Arabia
23	Hakenes Ha'olami Lenoar Islami	Al-Nadwa Al-Islamia LiIshabab Al-Islami	WORLD ASSEMBLY OF MUSLIM YOUTH	Saudia Arabia
24	Ko'alitzyat Hatzedaka	'Itilaf Al-Khair	UNION OF GOOD	Worldwide
25	Falastin Almaslama	Falastin Al-Muslima	PALESTINE EL-MULIMAH	UK

26	Keren Ha'adama Hakedosha Lerevacha u'fituach	Muassasat Al-Ard Al- Mukadasah LilIghatha WalTanamia	HOLY LAND FUND FOR RELIEF AND DEVELOPMENT	USA
27	Keren Alaksa	Muassasat Al-Aqsa Al-Khiria	AL-AQSA FUND	Germany, UK, Holland, Denmark
28	Keren Harevacha Vehafituach Lefalestin - Interpal	Al-Sunduq Al-Falastini Lil- Ighatha Wal-Tanamia- INTERPAL	PALESTINE RELIEF AND DEVELOPMENT FUND- INTERPAL	UK
29	Hava'ad Le'ezra Ve'lesolidariut im Falestin	Al-Lajna Al-Khiria LiMunasarat Falastin	LE COMMITE DE BIENFAISANCE ET DE SOLIDARITE AVEC PALESTINE	France
30	Hakutla Ha'islamit	Al-Kutla Al-Islamia	ELKUTLA ELISLAMIA	Universities in the Territories

רשימת הכרזות וצווים			
תאריך ההכרזה/צו	שם הארגון	מהות ההכרזה/צו	הגורם המכריז
30/01/86	אש"פ חזית ההצלה הלאומית הפלסטינית צבא השחרור הפלסטיני, החזית העממית לשחרור פלסטין (חבש) החזית העממית הדמוקרטית לשחרור פלסטין (חוואתמה) חלוצי מלחמת השחרור העממית החזית העממית לשחרור פלסטין חזית השחרור הערבית חזית המאבק העממי הפלסטיני חזית השחרור הפלסטינית פלג אבו-נידאל פלג אבו-אברהם פלג נאג'י עלוש פלג אבו ג'אבר ארגון "גבורי השיבה" החזית העממית פת"ח הועדות המהפכניות הפלסטיניות החזית הלאומית הפלסטינית סיעת המזוינות המהפכנית הלבנונית	הכרזה כארגון טרור לפי פקודת מניעת טרור	החלטת ממשלה
22/12/68	המועדון לתרבות ולספורט טירה	הכרזה על התאחדות בלתי מותרת	משה דיין (שר הבטחון)
18/08/88	ועדות עממיות ועדות לאומיות קבוצות הלם כוחות הלם קבוצות התנגדות עממית קבוצות הרתעה כוחות הרתעה	הכרזה על התאחדות בלתי מותרת	יצחק רבין (שר הבטחון)
22/06/89	חמא"ס חיזבאללה הג'יהאד האיסלמי	הכרזה כארגון טרור לפי פקודת מניעת טרור	החלטת ממשלה
15/09/89	תנועת ההתנגדות האיסלמית חמא"ס אלמג'אהידון אלפלסטיניון מג'ד	הכרזה על התאחדות בלתי מותרת	יצחק רבין (שר הבטחון)
29/10/90	הג'יהאד האיסלמי הג'יהאד האיסלמי הפלשתיני	הכרזה על התאחדות בלתי מותרת	משה ארנס (שר הבטחון)
14/03/96	קרן האדמה הקדושה	צו החרמה	שמעון פרס (שר הבטחון)
17/03/96	ועדת הסיוע (ההצלה) האיסלמית	צו החרמה	שמעון פרס (שר הבטחון)
28/11/96	ועדת ההצלה ההומניטרית לתמיכה ביתומים ובנזקקים	צו החרמה	יצחק מרדכי (שר הבטחון)

06/05/97	פלסטיין אלמסלמה קרן הרווחה והפיתוח לפלסטיין קרן אלאקצא קרן האדמה הקדושה לרווחה ולפיתוח	הכרזה על התאחדות בלתי מותרת	יצחק מרדכי (שר הבטחון)
1998	פלסטיין אלמסלמה קרן הרווחה והפיתוח לפלסטיין קרן אלאקצא קרן האדמה הקדושה לרווחה ולפיתוח	הכרזה כארגון טרור לפי פקודת מניעת טרור	החלטת ממשלה
20/05/98	חברת בית אל-מאל אלפלסטיני אלערבי אלמוסהימה אלעאמה אלמחדודה בע"מ	תיקון להכרזה על התאחדות בלתי מותרת	יצחק מרדכי (שר הבטחון)
31/08/00	אלכותלה לאיסלאמיה	תיקון להכרזה על התאחדות בלתי מותרת	אהוד ברק (שר הבטחון)
04/10/01	אל קאעדה, בראשותו של אוסמה בן-לאדן	הכרזה על התאחדות בלתי מותרת	בנימין בן-אליעזר (שר הבטחון)
06/12/01	התנזים - תנז'ים כוח 17 (המשמר הנשיאותי) - קואת 17 אמן אלראסה	הכרזה כארגון טרור לפי פקודת מניעת טרור	החלטת ממשלה
25/02/02	"אגודות הצדקה באיו"ש ואזח"ע" השייכות לארגון החמאס, ו/או תומכות בו ומחזקות את התשתית של החמאס, לרבות: "ועדת הצדקה והחסד חאן יונס" ("לג'נת זכאת אלרחמה חאן יונס" "אגודת המרכז האיסלאמי" ("אלמג'מע אלסלאמי") רצועת עזה "אגודת טוהר המידות האסלאמית" (ג'מעית אלצלאל אלסלאמיה) רצועת עזה "האגודה האסלאמית" (אלג'מעיה אלסלאמיה) רצועת עזה "אגודת הנאמנות לטיפול בקשישים" (ג'מעית אלופאא לרעאית אל מסנין") רצועת עזה "אגודת מוסד הצדקה והחסד לילדים" (ג'מעית מברת אלרחמה ללאטפאל") רצועת עזה "אגודת בית הקוראן והסונה" (ג'מעית דאר אלכתאב ואלסנה") רצועת עזה "אגודת בית הקוראן המבורך והסונה" (ג'מעית דאר אלקראן אלכרים ואלסנה") רצועת עזה "אגודת "האסיר אלנור" (ג'מעית אלנור אלח'יריה) רצועת עזה "אגודת הצדקה האסלאמית חברון" ("אלג'מעיה אלח'יריה אלסלאמיה אלח'ליל") "אגודת הרפורמה ביריחו" (ג'מעית אלצלאל אלח'יריה") "האגודה לטיפול ביתומים בבית לחם" (ג'מעית רעאית אליתים בית לחם") "אגודת הצדקה (הרפורמה) האסלאמית באלבירה" (ג'מעית אלצלאלח") "ועדת הצדקה ברמאללה" ("לג'נת אלזכאת רמאללה") "אגודת אלקראן ואלסונה קלקליה" (ג'מעית אלקראן ואלסנה קלקליה") "ועדת הצדקה טול כרם" ("לג'נת אלזכאת טול כרם") "אגודת הסולידריות לצדקה האסלאמית" (ג'מעית אלתדאמן אלח'יריה אלסלאמיה) שכם "ועדת הסיוע האסלאמית שכם" ("לג'נת אלאע'תיה אלסלאמיה נאבלס") "ועדת כספי הצדקה ג'נין" ("לג'נת אמואל אלזכאה ג'נין") "אגודת הצעירים המוסלמים" (ג'מעית אלשעבאן אלמסלמין") חברון וכן האגודות האלה שמרכזן בחו"ל: "הכנס העולמי לנוער אסלאמי" ("אלנדזה אלעאלמיה לשבאב אסלאמי") "קואליצית הצדקה" ("אאתלאף אלח'יר") "אגודת הסיוע האסלאמית העולמית" ("אלהיא'ה אלח'יריה אלסלאמיה אלעאלמיה")	הכרזה על התאחדות בלתי מותרת	בנימין בן-אליעזר (שר הבטחון)
11/08/02	אל קעידה, בראשותו של אוסמה בן לאדן	הכרזה לפי הפקודה למניעת טרור	החלטת ממשלה

28/11/02	התנזים או גדודי חללי אל אקצא	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
20/12/02	בטחון הנשיאות או כח 17	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
07/02/03	ועדת המורשת ("לג'נת אלטראת") והמוכרת גם בשמות: ועדת התודעה האיסלמית ("לג'נת אל תוועיה אל אסלאמיה") תנועת התיקון והצדק האסלאמית ("ג'מעית אל אצלאל אלח'יריה אל אסלאמיה") עמותת "אלסנאבל"	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
09/02/03	ועדת המורשת ("לג'נת אלטראת") והמוכרת גם בשמות: ועדת התודעה האיסלמית ("לג'נת אל תוועיה אל אסלאמיה") תנועת התיקון והצדק האסלאמית ("ג'מעית אל אצלאל אלח'יריה אל אסלאמיה") עמותת "אלסנאבל"	הכרזה לפי הפקודה למניעת טרור	החלטת ממשלה
12/03/03	ג'אמעה איסלמיה	הכרזה לפי הפקודה למניעת טרור	החלטת ממשלה
30/05/03	חיזבאללה	הכרזה לפי הפקודה למניעת טרור	החלטת ממשלה
12/06/03	חיזבאללה	הכרזה על התאחדות בלתי מותרת	החלטת ממשלה
24/10/03	אגודת אלנצאר וכח קודס של משמרות המהפכה האיראניים - לבנון, או כל שם אחר שיכונה ארגון זה, לרבות כל פלגיו וכל סניף, ועד, קבוצה או סיעה של ארגון זה, הוא התאחדות בלתי מותרת כמשמעותה בתקנות.	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
12/06/03	"המוסד לפיתוח החברה"	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
24/3/04	"האגודה לטיפול האשה הערבית" והידועה גם בשם "לג'נת רעאית ללמראה אלערביה" או "ג'מעית אלריאחה ללמראה אלערביה", או בכל שם אחר שיכונה בו ארגון זה, לרבות כל פלגיו ועל סניף, מרכז, ועד, קבוצה או סיעה של ארגון זה, הוא התאחדות בלתי מותרת כמשמעותה בתקנות.	הכרזה על התאחדות בלתי מותרת וצו החרמה	שאל מופז (שר הבטחון)
9/12/04	אגודת אלנצאר או בכל שם אחר שיכונה בו ארגון זה, לרבות כל פלגיו וכל סניף, מרכז, ועד, קבוצה או סיעה של ארגון זה, הוא התאחדות בלתי מותרת כמשמעותה בתקנות	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
30/12/04	מוסד אירפאן (בשמו הקודם "קרן ירושלים לשירותים הומניים) או בכל שם אחר שיכונה בו ארגון זה, לרבות כל פלגיו וכל סניף, מרכז, ועד, קבוצה או סיעה של ארגון זה הוא התאחדות בלתי מותרת כמשמעותה בתקנות	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
10/1/05	"אגודת אלחודא-רמאללה" בראשותה של כפאח קטש או כל אדם אשר יבוא במקומה, או בכל שם אחר שיכונה בו ארגון זה, לרבות כל פלגיו וכל סניף, מרכז, ועד, קבוצה או סיעה של ארגון זה, הוא התאחדות בלתי מותרת כמשמעותה בתקנות	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
30/1/05	"אגודת אלנאקא בבית לחם" בראשותה של עטאף עליאן או כל אדם אשר יבוא במקומה, או בכל שם אחר שיכונה בו ארגון זה, לרבות כל פלגיו וכל סניף, מרכז, ועד, קבוצה או סיעה של ארגון זה, הוא התאחדות בלתי מותרת כמשמעותה בתקנות	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)
2/2/05	אחרי רשימת "אגודות הצדקה באי"ש ואזח"ע השייכות לארגון החמאס או תומכות בו ומחזקות את התשתית של החמאס" וכן רשימת "האגודות האלה שמרכזן בחו"ל יבוא חבר בני אדם או הארגון המכונה ועדת הצדקה בית פג'אר (לג'נת אלזכאת בית פג'אר)	הכרזה על התאחדות בלתי מותרת	שאל מופז (שר הבטחון)

רשימת הגופים המוכרזים כ"התאחדויות בלתי מותרות" בישראל בצו שהב"ט עפ"י תקנות ההגנה לשעת חירום (סעיף 84 א' 2) 1945

מס' ד	שם הגוף בעברית	שם הגוף בערבית	שם הגוף באנגלית	מיקום
1	ועדת כספי הצדקה ג'נין	לג'נת אמואל אלזכאה ג'נין	ZAKKAH FUNDS COMMITTEE JENIN	ג'נין
2	ועדת הסיוע האסלאמית שכם	לג'נת אלע'את'ה אלסלאמיה נאבלס	ISLAMIC ASSISTANCE SOCIETY NABLUS	שכם

3	אגודת הסולידריות לצדקה אסלאמית בשכם	גמעיית אלת'צ'אמן אלח'יריה אלסלאמיה	ISLAMIC SOLIDARITY (TADAMON) CHARITY SOCIETY	
4	ועדת הצדקה טול כרם	לג'נת אלזכאת טול כרם	ZAKKAH COMMITTEE TUL KAREM	טול כרם
5	אגודת אלקראן ואלסונה קלקיליה	ג'מעית אלקראן ואלסונה קלקיליה	QURAN AND SUNNAH SOCIETY QALQILIA	קלקיליה
6	אגודת הצדקה (הרפורמה) האסלאמית אל בירה	ג'מעית אלזכאת אל בירה	ISLAH (REFORM) SOCIETY EL BIREH	רמאללה
7	ועדת הצדקה ברמאללה	לג'נת אלזכאת רמאללה	ZAKKAH COMMITTEE RAMALLAH	רמאללה
8	האגודה לטיפול ביתנים בבית לחם	ג'מעית רעאית אליתים בית לחם	ORPHAN CARE SOCIETY BETHLEHEM	בית לחם
9	אגודת הרפורמה ביריחו	ג'מעית אלזכאת אלח'יריה ביריחו	ISLAH (REFORM) SOCIETY JERICHO	יריחו
10	אגודת הצדקה האסלאמית חברון	אלג'מעיה אלח'יריה אלסלאמיה אלח'יל	ISLAMIC CHARITY SOCIETY HEBRON	חברון
11	אגודת הצעירים המוסלמים	ג'מעית אלזכאת אלסלאמיה	SOCIETY OF MUSLIM YOUTH	חברון
12	אגודת המרכז האסלאמי	אלג'מעיה אלסלאמיה	ISLAMIC CENTER (MUJMA)	אזח"ע
13	אגודת טוהר המידות האסלאמית	ג'מעית אלזכאת אלסלאמיה	ISLAMIC VIRTUE SOCIETY	אזח"ע
14	האגודה האסלאמית	אלג'מעיה אלסלאמיה אלח'יריה	ISLAMIC CHARITY SOCIETY	אזח"ע
15	אגודת הנאמנות לטיפול בקשישים	ג'מעית אלזכאת אלרעאית אלסלאמיה	LOYALTY (WAFI) SOCIETY TO CARE FOR THE AGED	אזח"ע
16	אגודת מוסד הצדקה והחסד לילדים	ג'מעית מברת אלרחמה ללאטפאל	SOCIETY OF CHARITY AND GRACE FOR CHILDREN	אזח"ע
17	אגודת בית הקראן והסונה	ג'מעית דאר אלקראן אלכרים ואלסונה	HOUSE OF QURAN AND SUNNAH SOCIETY	אזח"ע
18	אגודת בית הקראן המבורך והסונה	ג'מעית דאר אלקראן אלכרים ואלסונה	HOUSE OF BLESSED QURAN AND SUNNAH	אזח"ע
19	ועדת הצדקה והחסד חאן יונס	לג'נת אלזכאת אלרחמה חאן יונס	ZAKKAH AND MERCY SOCIETY KHAN YUNES	אזח"ע
20	אגודת "אלנור"	ג'מעית אלנור	EL-NUR SOCIETY	אזח"ע
21	בית אלמאל הפלסטיני הערבי בע"מ	בית אלמאל אלפלסטיני אלערבי - אלמסאהמה אלעאמה אלמחדודה	BEIT ELMAL ALFALASTINI ELARABI LTD.	רמאללה, שכם
22	ארגון החסד האסלאמי העולמי	היא'ה אלזכאת אלסלאמיה אלעאלמיה	ISLAMIC INTERNATIONAL RELIEF ORGANIZATION (IIRO)/ISLAMIC INTERNATIONAL CHARITABLE FOUNDATION (IICF)	סעודיה
23	הכנס העולמי לנוער אסלאמי	אלנודה אלעאלמיה לזכאת אלסלאמיה	WORLD ASSEMBLY OF MUSLIM YOUTH	סעודיה
24	קואליציית הצדקה	אאלזכאת אלח'יריה	UNION OF GOOD	כלל עולמי
25	פלסטין אלמסלמה	פלסטין אלמסלמה	PALESTINE EL-MULIMAH	בריטניה
26	קרן האדמה הקדושה לרווחה ופיתוח	מא'ססה אלזכאת אלמקדסה לזכאת אלח'יריה	HOLY LAND FUND FOR RELIEF AND DEVELOPMENT	ארה"ב
27	קרן אלקצא	מא'ססה אלקצא אלח'יריה	AL-AQSA FUND	גרמניה, בריטניה, הולנד, דנמרק
28	קרן הרווחה והפיתוח לפלסטין - אינטרפל	אלזכאת אלפלסטיני לזכאת אלח'יריה - אינטרפל	PALESTINE RELIEF AND DEVELOPMENT FUND-INTERPAL	בריטניה

29	הועד לעזרה ולסולידריות עם פלסטין	אללג'נה אלח'יריה למנאצרה פלסטין	LE COMMITE DE BIENFAISANCE ET DE SOLIDARITE AVEC PALESTINE	צרפת
30	הכתלה האסלאמית	אלכתלה אלאסלאמיה'	ELKUTLA ELISLAMIA	אוניברסי טאות בשטחים

ATTACHMENT 3

In The Matter Of:

COURTNEY LINDE, et al.

v.

ARAB BANK, PLC

DAGAN, YAIR - Vol. 1

March 20, 2012

CONFIDENTIAL

MERRILL CORPORATION

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1 Q. If you would please direct your attention 15:29:24
2 to pages 26 and 27 of Exhibit 8, there is a heading 15:29:27
3 entitled: 15:29:39

4 "Part Three (A): Checking identification 15:29:39
5 particulars against the list." 15:29:42

6 And a subheading: 15:29:44

7 "Obligation to check against the list." 15:29:45

8 As someone whose job was it -- it was to 15:30:03
9 keep up to date with orders and directives issued by 15:30:06
10 the Israeli authorities concerning counter-terrorist 15:30:12
11 financing, do you have an understanding as to when this 15:30:16
12 obligation to check against the list was issued by the 15:30:20
13 Bank of Israel? 15:30:26

14 MR. WERBNER: You know I object to all that. 15:30:27

15 MR. HOWARD: I do. 15:30:29

16 THE WITNESS: Is this the obligation which 15:30:36
17 we see here? 15:30:54

18 Q. BY MR. HOWARD: Yes. 15:30:55

19 A. In the beginning, January of 2007, the 15:30:56
20 official obligation started, even though the banks 15:31:06
21 actually did it before that. 15:31:12

22 Q. How -- how long before that? 15:30:55

23 A. From August of 2005. 15:31:18

24 Q. And I'm going to turn to that in a moment. 15:31:22

25 Let me ask you: Based on your work in 15:31:25

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1 A. Yes. 15:34:14

2 Q. As someone who keeps up to date with these 15:34:16
3 issues and issuances from the Israeli government 15:34:19
4 regarding counter-financing of terrorism, do you know 15:34:22
5 when the Ministry of Justice actually issued regulations 15:34:26
6 telling banks which list -- which centralized list to 15:34:33
7 use? 15:34:37

8 A. If I'm not mistaken, the regulations were 15:35:01
9 issued in 2007. 15:35:04

10 MR. HOWARD: Let's mark this as the next 15:35:08
11 exhibit, please. 15:35:10

12 (Y. Dagan Exhibits 9 and 9A marked.) 15:35:11

13 Q. BY MR. HOWARD: Mr. Dagan, I'm going to show 15:30:55
14 you in a moment what have been marked as Exhibits 9 and 15:35:41
15 9A to your deposition. 15:35:44

16 Exhibit 9 is an English document entitled: 15:35:47

17 "Prohibition on Financing of Terror 15:35:50

18 (Declaration Regarding a Foreign Terrorist Organization 15:35:52
19 or a Foreign Terror Activist) Regulations, 5768-2007." 15:35:57

20 The Bates range is DAGAN000004 through 16. 15:36:02

21 And Exhibit 9A is a Hebrew document with the 15:36:10
22 Bates range DAGAN000017 through 22. 15:36:17

23 Are you familiar with these documents? 15:36:57

24 A. (Examining.) Yes. 15:36:58

25 Q. What are they? 15:37:00

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1 by the Israeli government.

15:38:47

2 Q. When you say "this is the list," what
3 significance, based on your experience working with
4 Israeli banks, did the definition of this list have
5 for banks in their CFT practices?

15:38:49

15:38:51

15:38:54

15:38:57

6 A. The banks must have an official list of all
7 the terror organizations.

15:39:19

15:39:23

8 Q. And according to the Israeli authorities, who
9 maintained this official list?

15:39:26

15:39:28

10 A. The Ministry of Defense.

15:39:40

11 Q. By the way, it says here that the:

15:39:43

12 "List shall be published on the Internet
13 site of the Ministry of Defense of all of the declared
14 terrorist organizations and every person who has been
15 declared who is a terror activist pursuant to Section 2
16 of the law."

15:39:45

15:39:46

15:39:50

15:39:54

15:39:58

17 Can you tell us, based on your experience,
18 does the Ministry of Defense list that's maintained
19 on its Internet site contain names of organizations
20 and of individual persons?

15:39:59

15:40:03

15:40:07

15:40:10

21 MR. WERNER: I really have to object here.

15:40:11

22 We're -- we're -- we're going in great depth to Israeli
23 list and the Israeli Minister [sic] of Defense. That's
24 not relevant to any issue in the case. And his -- this
25 just isn't personal knowledge, fact witness.

15:40:13

15:40:18

15:40:21

15:40:30

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1 So I know you disagree. I guess you'll go on. 15:40:34

2 But I wish there was a way to -- to get through all this 15:40:38

3 because this is -- I don't know. 15:40:42

4 MR. HOWARD: Well, Mark, are you telling 15:40:49

5 me that plaintiffs are making no allegation that 15:40:50

6 declarations of entities as being unlawful by the 15:40:52

7 State of Israel has any relevance at all in this case? 15:40:55

8 MR. WERBNER: I'm telling you that the 15:40:59

9 honorable judge of this Court entered a ruling about 15:41:02

10 what this gentleman could properly say and what he can't 15:41:07

11 properly say. And you seem to be eliciting stuff that 15:41:12

12 the Court has clearly said was not relevant. And that's 15:41:15

13 the part I don't understand. But -- 15:41:20

14 MR. OSEN: I'll -- I'll just note that 15:41:25

15 the letter that we sent to you and to Mr. Walsh 15:41:27

16 indicated the scope of relevance of the Israeli 15:41:33

17 unlawful associations list. 15:41:39

18 MR. HOWARD: I think we can agree to disagree 15:41:46

19 at this point about the scope of Judge Gershon's ruling 15:41:48

20 and of the relevance of the testimony. But I'll move 15:41:52

21 on. 15:41:55

22 Q. BY MR. HOWARD: The question, Mr. Dagan, 15:37:00

23 was whether, based on your knowledge and experience, 15:41:56

24 the Ministry of Defense consolidated list maintained 15:42:01

25 on their website contained names of organizations and 15:42:05

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1 individuals? 15:42:09

2 A. Today, the list includes both individuals and 15:42:40
3 organizations. But the individuals were only added at 15:42:43
4 the beginning of this year. Until 2012, it was only 15:42:47
5 organizations. 15:42:53

6 Q. So prior to 2012, for an Israeli bank using 15:42:55
7 the Ministry of Defense list, did it have any way, 15:43:01
8 based on your experience and knowledge, to know whether 15:43:06
9 individual persons to -- parties to transactions were 15:43:12
10 members of the terrorist organizations for which the 15:43:17
11 banks were not supposed to provide services? 15:43:21

12 MR. WERBNER: How could that possibly be 15:43:23
13 relevant? 15:43:25

14 THE WITNESS: The answer is "no," as common 15:43:56
15 practice. 15:43:58

16 Q. BY MR. HOWARD: Mr. Dagan, if the regulations, 15:44:01
17 that is Exhibit 9, telling the banks to use the Ministry 15:44:03
18 of Defense list for screening accounts and transactions 15:44:09
19 did not get issued until 2007 or 2008, what list did 15:44:12
20 you use with your CNET software that you sold to banks 15:44:18
21 in Israel in 2005? 15:44:24

22 A. I used a list that was published on the 15:44:54
23 website of the Ministry of Defense. 15:44:57

24 Q. So you used the list that the government 15:45:01
25 two years later said was the list the banks should use? 15:45:03